

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

AUG 8 3 2002

LARRY W. FLETCHER, CLERK  
CHARLESTON, SC

|  |                                |
|--|--------------------------------|
|  | )Civil Action No. 2:00-1401-18 |
| SOUTHEAST ATLANTIC GRAINS, a South               | )                              |
| Caroline partnership; AMERICAN                   | )                              |
| GRAIN COMPANY, a West Virginia                   | )                              |
| corporation; BLACK RIVER FARMS,                  | )                              |
| LTD., a South Carolina Corporation;              | )                              |
| BLUESTONE FARMS, INC., a West                    | )                              |
| Virginia corporation; BLUESTONE                  | )                              |
| FARMS OF NORTH CAROLINA, INC., a                 | )                              |
| North Carolina corporation;                      | )                              |
| CRESTWELL FARMS, INC., a West                    | )                              |
| Virginia corporation; INDIAN RIDGE,              | )                              |
| LLC, a West Virginia limited                     | )                              |
| liability company; MALO, INC., a                 | )                              |
| West Virginia corporation; OLD                   | )                              |
| DOMINION, LTD., a West Virginia                  | )                              |
| corporation, all of P. O. Box 1085,              | )                              |
| Beckley, WV 25802,                               | )                              |
|  | )                              |
| Plaintiffs,                                      | )                              |
|  | )                              |
| v.   | )                              |
|  | )                              |
| ANN VENEMAN, Secretary, United                   | )                              |
| States Department of Agriculture,                | )                              |
| 14 <sup>th</sup> Street and Independence Avenue, | )                              |
| S.E., Washington, D.C. 20250,                    | )                              |
|  | )                              |
| Defendant.                                       | )                              |

DEFENDANT'S MOTION TO WITHDRAW ALL OF HER PENDING MOTIONS AND  
OPPOSITION BRIEFS, WITHOUT PREJUDICE, AND WITH LEAVE TO RE-FILE  
AFTER COURT ORDERED MEDIATION

The Defendant, by and through her undersigned attorney, Assistant U.S. Attorney

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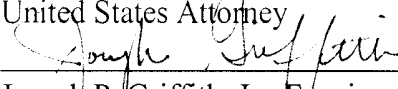
Joseph P. Griffith, Jr., submits this Motion to Withdraw All of Her Pending Motions and Opposition Briefs, Without Prejudice, and with Leave to Re-file after Court Ordered Mediation. Plaintiffs' counsel does not oppose this motion, and, upon information and belief, intends to file a similar motion.

The Defendant makes this motion to allow the parties time to conduct court ordered mediation.

Dated: August 7, 2002

Respectfully submitted,

J. STROM THURMOND, JR.  
United States Attorney



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Joseph P. Griffith, Jr., Esquire  
(Fed # 2473)

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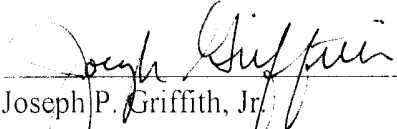
### CERTIFICATE OF SERVICE

I certify that on August 7, 2002, a copy of the foregoing pleading was served on each party or counsel of record by mail in the manner prescribed by the applicable Federal Rules of Civil Procedure.

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\_\_\_\_\_  
Joseph P. Griffith, Jr.  
Assistant U.S. Attorney